

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****49 CFR Parts 395 and 396****[FHWA Docket No. FHWA-98-3414]-27****RIN 2125-AE35****Out-of-Service Criteria; Extension of Comment Period**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Re-opening of docket; request for comments.

SUMMARY: The FHWA is re-opening Docket No. FHWA-98-34 14 for a period of sixty (60) days. On July 20, 1998, the FHWA published an advance notice of proposed rulemaking (ANPRM) in which the agency sought comment concerning use of the "North American Uniform Out-of-Service Criteria" (OOS Criteria) (63 FR 38791). This action today is taken in response to a written request from the Advocates for Highway and Auto Safety (AHAS). The FHWA has determined that re-opening the docket is appropriate given the complexity of the ANPRM and the need for informed public comment. The docket will be open for an additional period of 60 days.

DATES: Comments should be received on or before December 8, 1998.

ADDRESSES: Signed, written comments should refer to the docket number appearing at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Schultz, Jr., Office of Motor Carrier Research and Standards (HCS-10), (202) 366-4009, or Mr. Charles Medalen (HCC-20), Office of the Chief Counsel, (202) 366-1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office

hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:**Electronic Access**

Internet users can access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the **Federal Register's** home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

SUPPLEMENTARY INFORMATION:**Background**

On July 20, 1998 (63 FR 38791), the FHWA published an ANPRM concerning use of the OOS Criteria, and requested comments on the proposed amendments on or before September 18, 1998. The OOS Criteria are a reference guide developed and maintained by the Commercial Vehicle Safety Alliance (CVSA). They are not part of the Federal Motor Carrier Safety Regulations. During roadside inspections, Federal, State and local safety inspectors use the OOS Criteria as a guide in determining whether to place commercial motor vehicles (CMVs) or drivers of CMVs out-of-service. The guide enumerates conditions which the CVSA membership has agreed are sufficiently hazardous to justify restricting further operation.

Request for an Extension of the Comment Period

The AHAS requested an extension of thirty (30) days by letter dated September 1, 1998. A copy of the letter will be placed in the docket. The AHAS commented that additional time is needed to review the merits of this action, and that other FHWA dockets closing at about the same time have strained their resources.

Nineteen (19) responses to the ANPRM had been received as of September 25, 1998. Other parties have orally expressed interest in responding and have stated that they are having difficulty doing so by the deadline.

FHWA Decision

The FHWA is mindful of the need for all interested parties to have enough time to prepare relevant and useful comments. The FHWA has determined that the complexity of the ANPRM and the prospect of receiving additional responses to the ANPRM weighs in favor of re-opening the docket for an additional period of 60 days.

The FHWA therefore is extending the comment period on FHWA Docket No. FHWA-98-34 14 for a 60-day period.

All comments received before the close of business on the comment closing date will be considered and will be available for examination in the docket at the above address. Comments received after the closing date will be filed in the docket and will be considered to the extent practicable. In addition to late comments, the FHWA will continue to file relevant information in the docket as it becomes available after the comment closing date, and interested parties should continue to examine the docket for new materials.

List of Subjects***49 CFR Part 395***

Highway safety, Motor Carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

49 CFR Part 396

Highway safety, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

Authority: 49 U.S.C. 31133, 31136, 31310, and 31502; sec. 345, Pub.L. 104-59, 109 Stat. 568,613; and 49 CFR 1.48.

Issued on: October 2, 1998.

Kenneth R. Wykle,

Federal Highway Administrator.

[FR Doc. 98-27230 Filed 10-8-98; 8:45 am]

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